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10 UNITED STATES BANKRUPTCY COURT

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Southern District of California

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In re  
13 LUXURY TOY CLUB, LLC

14

Debtor.

15 Case No. 11-17177-LA7

16 DECLARATION OF LEONARD J.  
17 ACKERMAN, TRUSTEE RE MOTION OF  
18 RICHARD M. KIPPERMAN, CUSTODIAN  
19 AND RECEIVER FOR ORDER  
20 AUTHORIZING TRUSTEE TO TURN OVER  
21 POSSESSION TO BANKRUPTCY COURT  
22 CUSTODIAN AND FOR RELIEF FROM THE  
23 AUTOMATIC STAY

24 I, Leonard J. Ackerman, declare:

25 1. I am an attorney duly admitted to practice in the State of California and before this  
26 Court. I have been appointed and am serving as interim trustee in the above-captioned case under  
27 chapter 7. I have personal knowledge of the facts stated here and could and would competently  
28 testify thereto if called as a witness.

29 2. Shortly following my appointment as trustee, I was contacted by Mr. Slater, the  
30 attorney for Richard Kipperman, Receiver. I learned the Mr. Kipperman was the receiver in  
31 possession of the property at 1012 Prospect Street, the Debtor's address as shown on the bankruptcy  
32 petition. Immediately after my appointment I contacted the property manager and requested that the  
33 locks be changed on the suite occupied by Luxury Toy Club.

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1       3. The petition was filed without schedules. Although the Debtor is a limited liability  
 2 company (which is confirmed by online search of the records of the California Secretary of State)  
 3 the Debtor is not represented by an attorney. After receiving my appointment as Trustee, in an effort  
 4 to learn about the Debtor's business and possible assets I visited the Debtor's website. Their home  
 5 page include pictures of a sports car, a power yacht and a private jet, and states:

6              Luxury Toy Club is a membership club for successful individuals that like to have fun and reward themselves and others with exciting life experiences.  
 7 Members enjoy easy access to luxury cars and exotic cars, jets, planes, limos, yachts and exclusive social events. At Luxury Toy Club, we offer the widest selection of Exotic Luxury Cars and provide excellent service. We always add new Luxury Cars to our collection, Lamborghini, Ferrari, Bentley and Rolls Royce just to name a few. We are San Diego's Luxury Car Rental Provider and your new favorite chauffeur service. Drive your new Luxury Car Rental today.

11       4. The petition was filed on Wednesday, October 19. On the following Wednesday,  
 12 October 26, I appeared at the property and was conducted to Suite 300. There I met with Mr.  
 13 Mackey, who signed the petition on behalf of the Debtor as its Managing Member. Also in  
 14 attendance was Ms. Jacqueline Rigg, a paralegal employed by Kirby & McGuinn.

15       5. At that time, Mr. Mackey allowed us to inspect the property on site in Suite 300.  
 16 None of the equipment or records on the site were identifiable as the property or records of Luxury  
 17 Toy Club. Mr. Mackey then stated that Luxury Toy Club had not been in business for over a year.

18       6. During my visit I also inspected the adjacent suite, No. 310, which I understand was  
 19 at one time occupied by Luxury Toy Club. That suite was vacant.

20       7. Upon my appointment as Trustee I requested my attorneys to perform asset and UCC  
 21 searches to determine whether any assets of the Debtor might exist. Public records reports contain  
 22 no indication that the Debtor has any assets. For example, a UCC search reveals only a single  
 23 financing statement, by Security Business Bank, which was terminated by the filing of an  
 24 Amendment in May, 2010. A litigation search does not indicate any currently pending creditor  
 25 lawsuits against the Debtor. My attorneys have requested information as to possible car and boat  
 26 registrations from the California Department of Motor Vehicles, but it is too early to receive these  
 27 results.

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1       8. Based upon my investigation, it appears to me that this chapter 7 case was filed solely  
2 for the purpose of delaying the eviction proceedings instituted by the Receiver. I therefore do not  
3 oppose the Receiver's emergency motion.

4 I declare under penalty of perjury under the laws of the United States that the foregoing is  
5 true and correct and that this Declaration was executed on October 31, 2011 at San Diego,  
6 California.

/s/ Leonard J. Ackerman, Trustee  
LEONARD J. ACKERMAN, TRUSTEE